

S/N 10/821,260

Attorney Ref. No. 6298-456

REMARKS:

Applicants gratefully acknowledge the Examiner's statement that claims 1-4, 6,-12, 17, 19-21, 59 and 60 are allowable. The Examiner rejected claims 41, 43, 44, 47-51, 53-55, 57 and 58 as being unpatentable over various references. Applicants have cancelled those claims without prejudice in order to expedite the prosecution of this application. Accordingly, this application is in condition for allowance and notice to that effect is earnestly solicited.

Applicants have submitted a Second Supplemental Information Disclosure Statement herewith, wherein Applicants have cited US Patent Application Publications US 2003/0205226A1, US 2005/0039741A1, and US 2006/0011196A2, all to Gallem (collectively referred to hereinafter as "Gallem"). Gallem discloses a tube that can be made of "a lightweight metal or alloy, such as aluminum or an alloy thereof" (Gallem at para. 33). Gallem discloses that, "alternatively, the surface of a holding chamber of any material may be treated with an anti-electrostatic coating or process" (Gallem at para. 34). In either case, the use of a metal or alloy material, or an anti-static coating, "reduces the risk of resistance to medicament flow by static between particles of medicament and the holding chamber wall" (Gallem at para. 34). Furthermore, claims 34 and 35 of Gallem recite, respectively, a "holding chamber . . . formed of metal" and a "holding chamber . . . treated with an anti-electrostatic coating." Accordingly, Gallem does not disclose or suggest an "antistatic holding chamber comprising a plastic material having a surface resistivity of between about

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10E10 and about 10E12 ohm/sq," as recited in claim 1. Accordingly, the allowed claims are also allowable over Gallem for at least this reason.

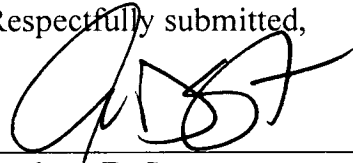
In addition, Applicants have submitted herewith a Declaration Under 37 CFR 1.131, which demonstrates that Applicants conceived and reduced to practice the invention of at least claims 1, 2, 6, 7, and 59 prior to the May 2, 2002 filing/priority date of Gallem. Accordingly, Applicants respectfully submit that the pending claims are patentable over Gallem for at least this additional reason.

CONCLUSION

If this case is not considered in condition for allowance, and an interview would be helpful to resolve any questions the Examiner may have, Applicants respectfully invite the Examiner to contact the undersigned attorney at (312) 321-4713.

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Respectfully submitted,



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